THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.16038 OF 2005

Dated: 07th November, 2005.

Between:

1. K. Laxmaiah Goud and 2 others. … Petitioners

And

1. The Prohibition & Excise Superintendent, Mahaboobnagar District.
2. The District Collector, Mahaboobnagar District.
3. The Commissioner of Prohibition & Excise, Government of A.P., at Hyderabad.
4. The Prohibition & Excise Inspector, Wanaparthy, Mahaboobnagar District. … Respondents

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WRIT PETITION NO.16038 OF 2005

ORDER :

Heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents.

The petitioners, 3 in number, claim to be the tappers and permanent residents of Almaipalli village, Ghanpur Mandal, Mahaboobnagar district. It is stated that the petitioners have applied for grant of Trees for Tappers (TFT Licences) in respect of toddy shop at Almaipalli village. In pursuance thereof, the second respondent - District Collector, having conducted due enquiry, by proceedings dated 25-11-2004 recommended for grant of T.F.T. Licences in favour of the petitioners. In turn, the applications of the petitioners were recommended to the third respondent – Commissioner of Prohibition & Excise. However, the third respondent by proceedings dated 16-03-2005 rejected the proposal submitted by the Prohibition & Excise Superintendent, Mahaboobnagar for sanction of new toddy shop at Almaipalli village under T.F.T. Scheme for the year 2004-05 observing that the ration proposed by the Prohibition & Excise Superintendent, Mahaboobnagar district appears to be not arrived at properly, as no trees were kept under reserve in the Sendhi topes. The said order is under challenge in this writ petition.

The main contention raised by the petitioners is that the ground on which the proposals were rejected by the third respondent is untenable and without application of mind to the fact that number of trees are still available. The petitioners contend that having regard to the facts and circumstances and particularly since the petitioners have already been qualified in the tapping test conducted by the department, the third respondent is not justified in rejecting the proposal submitted by the Prohibition & Excise Superintendent.

On behalf of the respondents, a counter-affidavit has been filed in which it is stated that 100/X sendhi trees are available for allotment at sendhi tope at Suraipally village, on the basis of which the Sub-Divisional Prohibition & Excise Officer, Gadwal recommended for establishment of new toddy shop at Almaipalli village of Ghanpur Mandal.

Having heard the learned Counsel for both the parties and keeping in view the plea in the counter-affidavit that sendhi trees are available for allotment at sendhi tope at Suraipally, I am of the view that the matter requires reconsideration.

Accordingly, without expressing any opinion as to the entitlement of the petitioners for grant of T.F.T. licences as sought by them, the impugned order is set aside and the Writ Petition is disposed of with a direction to the third respondent – Commissioner of Prohibition & Excise to reconsider the matter and to pass appropriate orders afresh in accordance with law with regard to the request of the petitioners. Such exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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7th November, 2005.

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